

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

To:

see form PCT/ISA/220

## PCT

### WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing  
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference  
see form PCT/ISA/220

**FOR FURTHER ACTION**  
See paragraph 2 below

International application No.  
PCT/GB2005/000986

International filing date (day/month/year)  
16.03.2005

Priority date (day/month/year)  
25.03.2004

International Patent Classification (IPC) or both national classification and IPC  
B65D43/02

Applicant  
CARBONITE CORPORATION

**1. This opinion contains indications relating to the following items:**

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

**2. FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

**3. For further details, see notes to Form PCT/ISA/220.**

Name and mailing address of the ISA:



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**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
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**Box No. I Basis of the opinion**

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1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
  - ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
  - a. type of material:
    - ☐ a sequence listing
    - ☐ table(s) related to the sequence listing
  - b. format of material:
    - ☐ in written format
    - ☐ in computer readable form
  - c. time of filing/furnishing:
    - ☐ contained in the international application as filed.
    - ☐ filed together with the international application in computer readable form.
    - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE  
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**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

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**1. Statement**

Novelty (N)	Yes: Claims	1-11
	No: Claims	
Inventive step (IS)	Yes: Claims	1-11
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-11
	No: Claims	

**2. Citations and explanations**

**see separate sheet**

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING  
AUTHORITY (SEPARATE SHEET)**

International application No.

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**Re Item V.**

- 1 Reference is made to the following documents:  
D1 : WO 96/19388 A (AMCOR LIMITED; BAYLY, PETER, KINGSLEY; BAYLY, MARK, SIMON) 27 June 1996 (1996-06-27)

**2 INDEPENDENT CLAIM 1**

The document D1 is regarded as being the closest prior art to the subject-matter of claim 1, and discloses (the references in parentheses applying to this document):

A container (6) comprising a receptacle which has a central axis and is sealed by a lid (1) of resilient material, the receptacle including a neck (5) defining an opening and the lid including a closure plate (7), integral with which is a depending skirt (4) extending around the outer surface of the neck, the inner surface of the skirt carrying a continuous annular flange (16), which is in sealing engagement with the underside of a continuous downwardly directed annular shoulder (19) on the outer surface of the neck and thus prevents movement of the lid in the axial direction away from the receptacle, the annular flange on the lid being connected thereto by a resilient hinge connection (17), the annular flange being elongate in axial sectional view.

The subject-matter of claim 1 differs from this known D1 in that :

the end surface of the free end of the flange is in sealing engagement with the underside of the shoulder, and the resilience of the resilient hinge connection urges the side surface of the free end of the annular flange into sealing engagement with the external surface of the neck.

The subject-matter of claim 1 is therefore new (Article 33(2) PCT).

The problem to be solved by the present invention may be regarded as improving the seal between the neck of the receptacle and the lid, particularly when the receptacle contains a carbonated beverage.

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The solution to this problem proposed in claim 1 of the present application is considered as involving an inventive step (Article 33(3) PCT) for the following reasons:

The annular flange, which is integral with the inner surface of the skirt of the lid via a resilient hinge connection, has two sealing surfaces in contact with the neck of the receptacle : the free end of the annular flange engages the underside of the shoulder of the neck, and the side surface of the free end of the annular flange engages the external surface of the neck. A further seal is thus formed.

Claims 2-11 are dependent on claim 1 and as such also meet the requirements of the PCT with respect to novelty.